

**LaDulce, L.L.C. (115 South Main Street)**  
**Request to Amend Plan of Operation to Add Outdoor Service Area**

June 21, 2016

The Honorable Mayor Ellison and  
Members of the City Commission:

The Royal Oak Police Department has received a request from La Dulce, LLC, to amend its plan of operation to add outdoor service with 16 seats. The police department has no objections to the proposed request. Please see the letter from Deputy Chief Mike Frazier to City Manager Don Johnson, for more information (Attachment 1).

If the city commission agrees with this recommendation, the following resolution would be appropriate:

**Be it resolved**, the proposed amended Plan of Operation of La Dulce, LLC, dated June 20, 2016, is hereby approved.

Respectfully submitted,



Mark O. Liss  
Interim City Attorney

1 Attachment



**Royal Oak**  
**POLICE DEPT**

**Royal Oak Police Department**  
221 E Third Street  
Royal Oak, MI 48067  
248.246.3510

**To:** Mr. Don Johnson, City Manager  
**From:** Mike Frazier, Deputy Chief  
**CC:** Corrigan O'Donohue, Chief of Police  
**Date:** 6/21/2016  
**Re:** PLAN OF OPERATION CHANGE FOR LA DULCE

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La Dulce, LLC, (La Dulce), located at 115 S. Main St., has requested to change their plan of operation. Specifically, they are requesting to add an outdoor service area.

The outdoor service area will be located directly in front of the business and will provide seating for 16 patrons. Dimensions for the outdoor service area are 8.5 x 23.5 feet.

The outdoor service area will be operated in accordance to all city policies and procedures. Service will be by wait staff only. There will be no walk up bar service in the outdoor service area. No changes will be made to the interior of the business.

Over the past year the police department has responded to two calls for service (none have been related to the sale of alcohol) to this establishment. The police department does not anticipate this change to cause any significant strain to police resources and does not object to the requested change to the plan of operation.

It should be noted, La Dulce was approved for a sidewalk café, through the planning department, at the April 25, 2016 City Commission meeting.

If approved, applicants will need to comply with all planning, zoning and building requirements and restrictions.

**Approval for this change in the plan of operation is subject to the approval or denial of the Royal Oak City Commission.**

Respectfully,

A handwritten signature in black ink, appearing to read 'Mike Frazier', written over a light blue horizontal line.

Mike Frazier, Deputy Chief

**La Dulce**  
**PLAN OF OPERATION**  
**As of June 20, 2016**

Business Name: La Dulce, LLC  
Doing Business As: La Dulce  
Address: 115 S Main  
Royal Oak, MI 48067  
Phone: 248-268-1719  
Fax: None

**PREAMBLE**

We have received a copy of 90-3, the City of Royal Oak's ordinance regulating liquor licenses. La Dulce, LLC f/k/a Dalm, LLC is requesting a "Bistro" Redevelopment Quota Class C License and SDM with Sunday Sales Permit to be located at 115 S Main Street, Royal Oak, Oakland County, Michigan, to be issued pursuant to MCL 436.1521a(1)(b). The following Plan of Operation is developed in keeping with the spirit and intent of the City's Ordinance. La Dulce, LLC will do business as La Dulce ("La Dulce").

**HOURS OF OPERATION**

Hours of operation for the business are seven days a week from 7:00 a.m. to midnight. The full kitchen will be open until closing and the last service of alcoholic beverages will be at 11:40.

**FORMAT**

**CONCEPT:** La Dulce will be a restaurant specializing in Spanish Tapas and specialty Churros. La Dulce's menu will include breakfast, lunch and dinner, offering soups, salads and cold and hot tapas. The total square footage of the establishment is 3,200, in which approximately 2,100 square feet will be for customer dining and a small lounge area.

La Dulce will have canned or piped music and occasional acoustic music (small 1-3 person bands).

The sales ratio is anticipated to be approximately 80% food, 20% alcoholic beverages.

La Dulce will be a Bistro with a full-service kitchen with interior seating, which meets all of the following criteria:

- a. La Dulce will apply for a redevelopment district license, as defined in the Michigan Liquor Control Code, MCLA §436.1101 et. seq., and will comply with the provisions of the redevelopment district license requirements.
- b. The interior seating is 54 seats, and no bar for customers to sit.
- c. There are no seats at the bar.
- d. There is no dance permit.
- e. La Dulce will never be open after midnight.
- f. There will not be gaming devices of any kind on the premises.
- g. Alcohol will be served only to seated patrons.
- h. The interior seating area is approximately 2,100 square feet.

- i. La Dulce will never request a direct connection permit or an additional bar permit.
- j. La Dulce will otherwise comply with all requirements of the Royal Oak City Code.

La Dulce understands that it must enter into a written agreement with the City setting forth all the operating requirements set forth in (a) through (j) above, and that failure to comply with the terms and conditions of the agreement shall be grounds for the City to recommend revocation of the license to the Michigan Liquor Control Commission.

## **CODE COMPLIANCE**

The premises will comply and will continue to comply with all applicable health, safety, building, sanitation, electrical, plumbing, and fire codes as well as zoning requirements.

The Outdoor Service Areas located in the city right-of-way is located along Main Street on the city sidewalk. The areas measures approximately 8' x 24', within two areas separated by the walkway for the entrance to the business and has seating for 16 patrons. The Outdoor Service Areas will operate in accordance with and consistent with all City policies, practices, and procedures regulating outdoor service, including, but not limited to:

- a. The fence and/or other barricades or rail surrounding the Outdoor Service Areas should be anchored in accordance with the Uniform Engineering Anchoring System as promulgated by the Engineering Department of the City of Royal Oak;
- b. The manner in which the Outdoor Service Areas is enclosed shall be subject to prior approval and inspection by the Police, Code Enforcement and Engineering Department;
- c. The use of alcohol will be allowed in accordance with the rules of the Michigan Liquor Control Commission from April 15<sup>th</sup> to October 31<sup>st</sup>;
- d. The Outdoor Service Areas will be clean and free of debris and trash. The Areas shall be cleaned at the close of each business day; and,
- e. La Dulce will pay fees in accordance with the City's Sidewalk Café License Agreement application.
- f. There will be no music or entertainment in the Outdoor Service Areas.

## **SOUND**

Piped or canned music ("Sound") will be restricted to a level which will not adversely impact neighboring and adjoining property owners, and La Dulce will strictly comply with the City and the provisions of the Sound Ordinance. La Dulce pledges its full cooperation with the Police Department and/or adjacent and adjoining property owners in this regard.

## **PLAN OF OPERATION**

It is acknowledged that under Ordinance 2001-6, Section 90-3, the business shall be operated in accordance with an approved Plan of Operation. Changing the operation of the business in any manner inconsistent with the approved Plan of Operation is a violation of the ordinance and the rules of the Liquor Control Commission. Any change to the Plan of Operation must be approved by the City Commission prior to it being placed into effect on the business premises.

## **SECURITY**

Security for the customer, building, and community is the first priority for La Dulce. La Dulce will undertake whatever measures are necessary to maintain, secure, and supervise its customers and premises.

## **PARKING**

There is a city parking lot immediately adjacent to the rear of the establishment, on-street parking, and several additional public parking lots within walking distance of La Dulce.

## **ALCOHOL MANAGEMENT**

La Dulce will strictly obey all rules, regulations, and ordinances established by the City of Royal Oak and the State of Michigan Liquor Control Commission. There will be neither service to nor consumption of alcoholic beverages by minors at any time. The establishment will fully participate in the TIPS/TAM training program and will continue such participation in that program or a similarly recognized program approved by the Royal Oak Police Chief. TIPS/TAM certification cards for all employees shall be available for inspection by the Police Department 35 days after the date of hire.

In addition, the following policies shall be enforced at La Dulce:

- No alcoholic beverages are allowed on the premises other than what is dispensed by the establishment.
- All staff will pay attention and stay alert to observable clues displayed by an intoxicated individual, such as: (a) impaired reflexes, (b) impaired coordination, (c) reduced judgment and inhibitions, and (d) impaired vision or physical behavior.
- All staff will be alert to potential problems at their respective areas at the facility.
- Be polite and courteous to the intoxicated individual(s). Be knowledgeable as to when to request assistance from additional facility staff.
- Patrons who appear to be under thirty-five (35) years of age or younger will be asked to show proper Michigan identification. Signs will be posted at serving locations. Patrons must produce proper identification.
- All patrons under twenty-one (21) years of age – alcohol service will be refused.
- Check 'State Seal' and other markings. Check for damage or alterations to identification card.
- Do not return falsified identification cards. Call management immediately.

# Attachment 1

- If a patron shows signs of intoxication, refuse service, politely explain policy, suggest non-alcoholic purchase, and call for management immediately.
- If a patron is purchasing on behalf of someone else who appears less than thirty (30) years old, request to see identification of recipient or contact supervisory personnel who will seek patron(s) out. Refuse service to minors. Inform all parties involved that policy allows for ejection from premises and notification to police department of illegal activity.
- Alcohol dispensing may be restricted to one of the following practices or any combination thereof:
  - No sales to intoxicated persons.
  - No sales without proper identification.
  - Limited alcoholic choices if necessary.
  - When in doubt, do not serve – call supervisor.
- Observe all patrons leaving the property. No alcoholic beverages are allowed to leave the facility or property.
- Approach any patron appearing to be impaired and leaving the property. Determine if they are driving and, if so, attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, offer a free cab ride directly home.
- Supervisory and management personnel will complete documentation of any alcohol-related incidents at the end of event. Information will be disseminated accordingly.
- We shall provide free and/or at reduced-price non-alcoholic beverages to all designated drivers.

## **REFUSE**

The establishment will dispose of refuse in enclosed dumpster(s), with locked lids. Pickup will be a minimum of 1 times per week. A waterline with spigot will be provided to clean the dumpster enclosure as necessary.

## **GENERAL**

Every effort will be made to maintain positive relationships with adjacent and nearby businesses and residences, and to cooperate with all City departments. Every effort will be made to address and resolve any issues that may arise.

## **EMERGENCY**

In case of an emergency, contact the following individual:

Luis Negrete-Escobedo  
Cell Phone: 248-379-5760

## **REFERENCE TO VALET SERVICE**

La Dulce will not utilize a valet service



La Dulce, LLC f/k/a Dalm, LLC  
La Dulce

By: \_\_\_\_\_

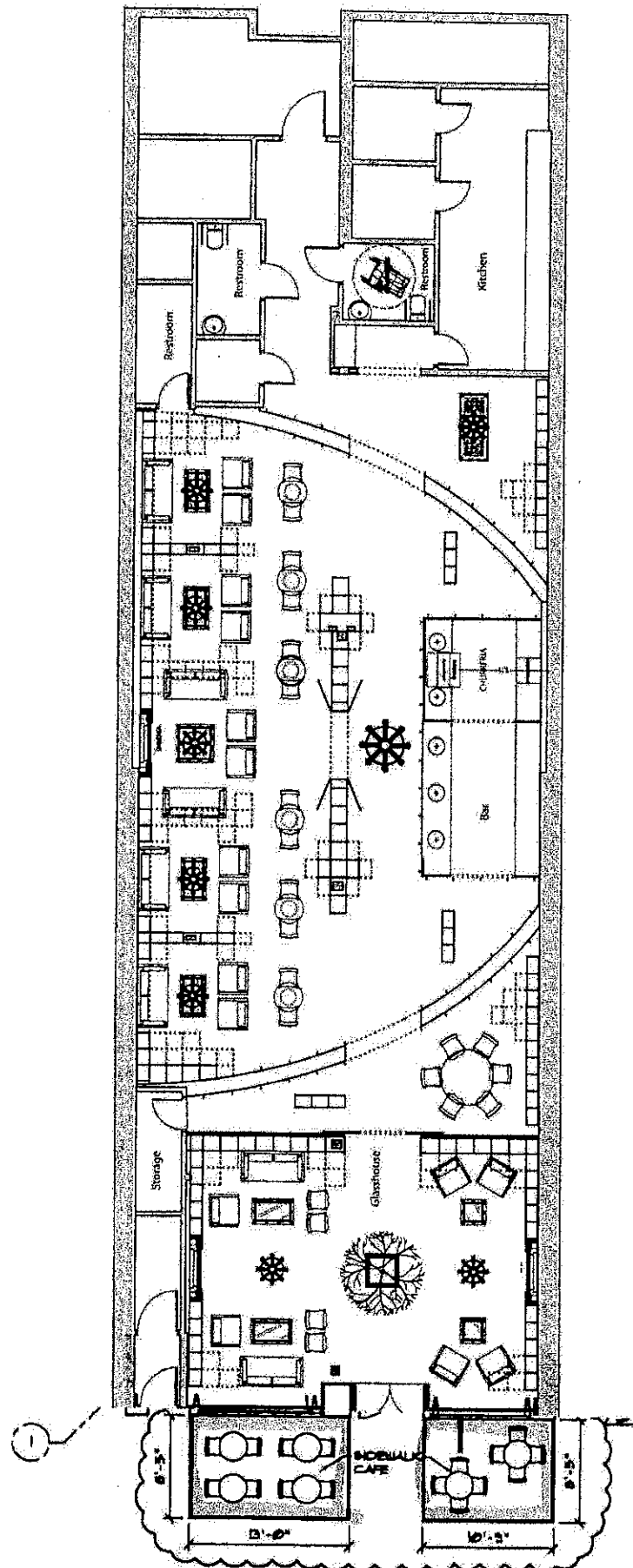
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# Attachment 1

La Dulce Tapas and Churros  
Scale 1/100

Seating Chart:  
54 Seats



## PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"  
AREA = 3,800 SF  
VERIFY FINAL LAY-OUT & DIMENSIONS WITH TENANT  
PRIOR TO CONSTRUCTION



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PLAN OF OPERATION  
As of June 11, 2015**

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Doing Business As: La Dulce  
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Royal Oak, MI 48067  
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Fax: None

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La Dulce

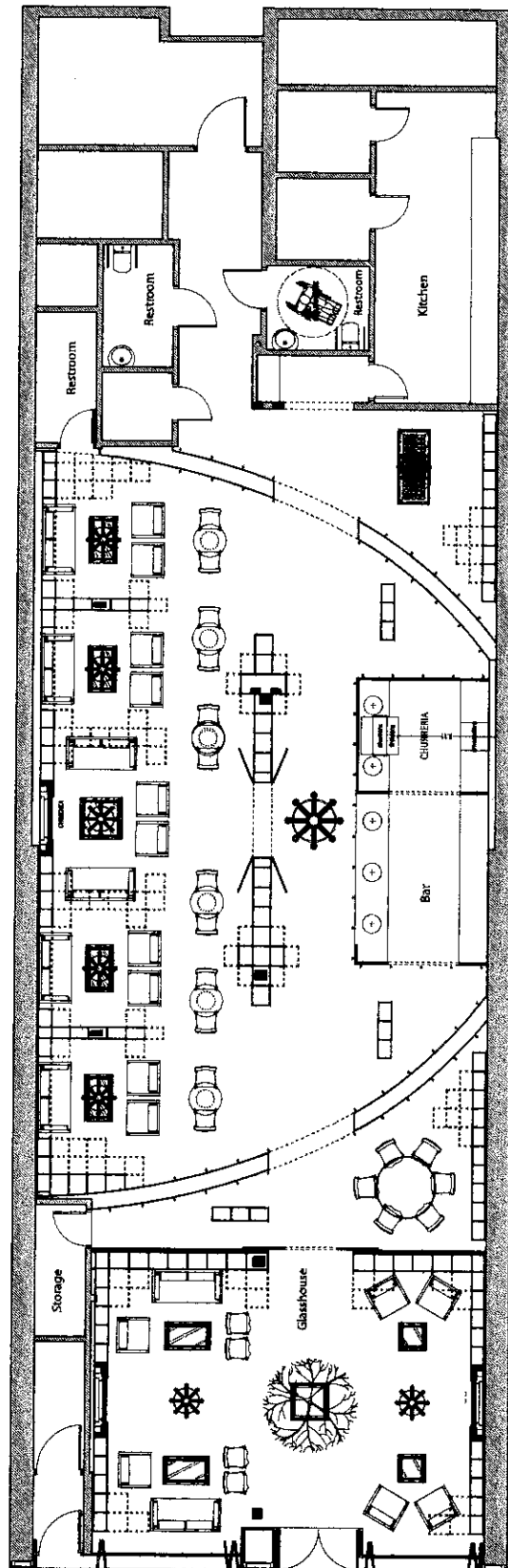
By:



Date: 06/11/2015

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# Attachment 1



La Dulce Tapas and Churros  
Scale 1/100

Seating Chart  
54 Seats

# Attachment 1

**LA DULCE**  
115 S. MAIN

TOTAL CALLS FOR SERVICE – 5/21/2015 – 6/21/2016 = 2

<u>DATE</u>	<u>REPORT/D-CARD</u>	<u>COMPLAINT</u>	<u>SYNOPSIS</u>
9/17/15	15-35361D	Open Alarm	Air duct alarm due to power issues.
12/19/15	15-46950D	Animal Complaint	Dog left in parking lot. Vehicle and dog checked ok.